

1 AS FOLLOWS:)

2 THE COURT: You can bring the jury in now.

3 (THE JURY RETURNED TO THE COURTROOM.)

4 MRS. STEINER: Your Honor, may we approach?

5 (MR. EVANS, MR. HILL, MRS. STEINER AND MR. CARTER
6 APPROACHED THE BENCH FOR THE FOLLOWING BENCH CONFERENCE HAD
7 OUTSIDE THE HEARING OF THE JURY.)

8 MRS. STEINER: Your Honor, the last witness the
9 State had reserved, we would also like to reserve the
10 right to recall him. The State has made that
11 reservation.

12 THE COURT: I think I told him to be available
13 to come back and not sit in the courtroom.

14 MRS. STEINER: I just didn't want the State to
15 release him.

16 MR. HILL: Doyle Simpson.

17 THE COURT: That's fine. He will be readily
18 available, if necessary.

19 MRS. STEINER: Thank you, Your Honor.

20 (THE BENCH CONFERENCE WAS CONCLUDED.)

21 THE COURT: Who would be the State's next
22 witness?

23 MR. EVANS: Your Honor, the next witness will
24 be Miss Clemmie Fleming.

25 (THE WITNESS ENTERED THE COURTROOM.)

26 THE COURT: Thank you. If you will, come
27 forward, turn this way.

28 If you will, raise your right hand.

29 Do you solemnly swear or affirm the testimony you

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1 give in this case will be the truth, the whole truth and
2 nothing but the truth, so help you God?

3 THE WITNESS: Yes.

4 THE COURT: Miss Fleming, please have a seat.

5 State your name, please.

6 THE WITNESS: Clemmie Fleming.

7 THE COURT: You may proceed.

8 CLEMMIE FLEMMING, Called on behalf of the State, having
9 been duly sworn, was examined and testified as follows:

10 DIRECT EXAMINATION BY MR. EVANS:

11 Q. Miss Fleming, if you would, kind of turn your chair
12 over in this direction toward the jury.

13 A. (Complied.)

14 Q. And I want you to speak loud so that everybody on
15 the jury can hear you. Okay. All right. Let's try your name
16 again. State your name for the jury.

17 A. Clemmie Fleming.

18 Q. Okay. Miss Fleming, I want to direct your attention
19 back to July 16 of 1996, the morning of the murders at Tardy
20 Furniture. Do you remember that morning?

21 A. Yes, sir.

22 Q. Did you have an occasion to go down to Tardy
23 Furniture company that morning?

24 A. Yes, sir.

25 Q. About what time did you go down to the store?

26 A. A little after 10:00.

27 Q. Why did you go to Tardy Furniture that morning?

28 A. To pay on my furniture.

29 Q. How did you go?

1 A. With Roy Harris.

2 Q. All right. Miss Fleming, when you got down to Tardy
3 Furniture, how were you traveling, as far as in what road?
4 What road were you on?

5 A. In front of Tardy Furniture.

6 MR. CARTER: I can't hear.

7 THE COURT: Can you speak up a little louder,
8 Miss Fleming?

9 THE WITNESS: In front of Tardy Furniture.

10 Q. Everybody has got to hear you. So make sure that
11 you keep your voice up.

12 As you were in front of Tardy Furniture around 10:00 on
13 that morning, did you go in the store?

14 A. No, sir.

15 Q. Why not?

16 A. I ain't feel good.

17 Q. All right. And explain why you didn't feel good.

18 A. I was five-and-a-half months pregnant.

19 Q. Your voice is dropping.

20 A. Five-and-a-half months pregnant.

21 Q. All right. And because you felt bad from being
22 pregnant, you say that you didn't go in; is that right?

23 A. No.

24 Q. Which direction did y'all travel at that point?

25 A. On the side of Tardy Furniture.

26 Q. All right. Is that the road that runs right beside
27 Tardy Furniture?

28 A. Yes, sir.

29 Q. When you turned on that road, what did you see?

1 A. I seen Curtis.

2 Q. What did you see Curtis doing?

3 A. Running.

4 Q. Where was he running?

5 A. Across the yard. At the time it was a pink house.

6 Q. Okay. In relationship to the back of Tardy
7 Furniture, how close was he to Tardy Furniture when you first
8 saw him running?

9 A. 90-something feet?

10 Q. How do you know it was 90-something feet?

11 A. Because I did the steps.

12 Q. Okay. Did you have an occasion to go back with an
13 officer and see how far it was?

14 A. Yes, sir.

15 Q. Now, you've said you saw Curtis running from the
16 back of Tardy Furniture. Who is Curtis?

17 A. Right there. (Pointed.)

18 MR. EVANS: May the record reflect that she has
19 identified the defendant in this cause?

20 THE COURT: I'll let it so reflect.

21 Q. How long had you known Curtis Flowers at that time?

22 A. I always known him.

23 Q. When you turned that corner, did you make any
24 comment about what you saw?

25 A. I told him there go Curtis.

26 Q. Who did you tell there goes Curtis?

27 A. The man I was in the car with. Roy Harris.

28 Q. All right. I want you to explain, as well as you
29 can, where you first saw him and which direction he was

1 running.

2 A. Towards the pink house. Across the yard.

3 Q. All right. Is that, that pink house, is it still
4 there?

5 A. No, sir.

6 Q. All right. At that time there was a pink house
7 across over there.

8 A. Yes, sir.

9 Q. And you say he was running in the direction of that
10 pink house.

11 A. Yes, sir.

12 Q. How was he running?

13 A. I thought somebody was after him.

14 Q. As far as speed, how was he running?

15 A. He was running hard.

16 Q. Which direction did you and Roy Harris go from that
17 corner?

18 A. We went -- we took a left, a left from leaving
19 Tardy. We took a left, and we went up that road. And then we
20 went down Powell Street. And we came back, and he was on the
21 highway. And I seen him again.

22 Q. All right. You say you seen him again. Who did you
23 see again?

24 A. I seen Curtis again.

25 Q. All right. So you went down and came back up to the
26 highway. And then which direction did you turn on the
27 highway?

28 A. I turned right.

29 Q. Okay. And after you came back up Highway 51, where

1 did you see Curtis the second time?

2 A. Like he was going to the store where his daddy work.

3 Q. Do you know the name of that store his daddy worked
4 at?

5 A. It's -- it was Jeff's Store at the time.

6 THE COURT: Speak up. I didn't hear that.

7 A. It was Jeff's Store at the time.

8 Q. Which side of the highway did you see him on there?

9 A. He was like he was fixing to cross over 51.

10 Q. He was fixing to cross over toward the store.

11 A. Yes, sir.

12 Q. Do you know whether he went in the store or not?

13 A. No.

14 Q. When was the first time that you told somebody about
15 seeing Curtis Flowers running from the back of Tardy Furniture
16 that morning?

17 A. I was working in Multi-Craft at the time, and I told
18 one of my friends. We were talking about it. It was a
19 coworker.

20 Q. All right. Speak up now.

21 A. It was a coworker, and I told her.

22 Q. Who was that coworker?

23 A. Wanda Meeks.

24 Q. When you told Wanda Meeks about seeing Curtis
25 Flowers running from the back of Tardy Furniture, did you and
26 her do anything?

27 A. She said she wanted me to talk to one of her
28 friends.

29 Q. All right. Who was her friend that she wanted you

1 to talk to?

2 A. John Johnson.

3 Q. You need to speak up.

4 A. John Johnson.

5 Q. Did you, in fact -- you and her go to see John
6 Johnson?

7 A. Yes, sir.

8 Q. Did you tell John Johnson who you saw running away
9 from the back of Tardy Furniture --

10 A. Yes, sir.

11 Q. -- on the morning of the murders?

12 A. Yes, sir.

13 MR. EVANS: Your Honor, may I have the witness
14 step down?

15 THE COURT: You may step down, Miss Fleming.

16 (THE WITNESS STEPPED DOWN FROM THE WITNESS STAND.)

17 MR. CARTER: Wait a minute, Doug. Let me see
18 what you are looking at.

19 Q. Miss Fleming, I have Exhibit S-5-A that I would like
20 for you to look at, please. If you would, stand to where you
21 can see it, but don't block the jury.

22 A. (Indicated.)

23 Q. You are pointing on that. What are you pointing to?

24 A. A big tree.

25 Q. Is that where you saw Curtis Flowers running on that
26 morning?

27 A. Yes, sir.

28 Q. You may take your seat.

29 A. (Complied.)

1 Q. I, I noticed that there is an "X" on this poster.
2 Did you place that "X" there?

3 A. Yes, sir.

4 MR. EVANS: Your Honor, I tender the witness.

5 CROSS-EXAMINATION BY MR. CARTER:

6 Q. Miss Fleming, where was Mr. Flowers running from?

7 A. I don't know where he was running from.

8 Q. You don't know what store he was running from or
9 whether he was even running from a store, do you?

10 A. No.

11 Q. You don't even know if he was jogging.

12 A. No.

13 Q. Or getting in shape or not, do you?

14 A. No.

15 Q. What did he have on?

16 A. I don't know what he had on.

17 Q. What color -- what kind of shirt?

18 A. I don't know. I just know his face.

19 Q. What was his hair like on that day?

20 A. Like it always been.

21 THE COURT: Speak up. I am afraid everybody --

22 THE WITNESS: Like it always been.

23 Q. How is that?

24 A. He had some hair at the time, a little bit.

25 Q. How was his hair cut?

26 A. I don't know how his hair cut.

27 Q. What kind of hair did he have on his face, beyond
28 his head?

29 A. I didn't -- he didn't have a whole lot of hair on

1 his face.

2 Q. How much did he have on his face?

3 A. I didn't see a lot of hair. I just know it was him.
4 I know how he look.

5 Q. You know how he look. Didn't you say you just got a
6 quick glance?

7 A. Yes, sir.

8 Q. A quick glance. If you knew you had seen Mr.
9 Flowers and you knew that the murders had occurred at Tardy's
10 some time ago, why did you wait until April 11, 1997, before
11 you decided to go to the police?

12 A. I wasn't going to say nothing. I never did go to
13 the police.

14 Q. You never did go to the police.

15 A. No.

16 Q. Did you go to Mr. Johnson at some point?

17 A. After a friend -- she wanted me to talk to a friend.

18 Q. Okay. And when you got to the police department,
19 you realized that was -- you went to Winona Police Department.

20 A. No.

21 Q. Where did you go?

22 A. First we went in the office of the Multi-Craft.

23 Q. Office at Multi-Craft.

24 A. Um-hum.

25 Q. Okay. And who did you talk to there?

26 A. John Johnson.

27 Q. Mr. Johnson came to the Multi-Craft.

28 A. Yes, sir.

29 Q. How long did he stay?

1 A. Long enough for me to talk to him.

2 Q. Okay. Did he get a statement from you there, a
3 written statement?

4 A. No.

5 Q. So did he get a taped statement from you there at
6 Multi-Craft?

7 A. Yes.

8 Q. Okay. So your testimony is had it not been for this
9 friend, you wouldn't of ever gone to the police and told them
10 you had seen Mr. Flowers. Is that your testimony?

11 A. Yes.

12 Q. And what did that friend do to make you tell? Let
13 me be sure we're straight. You knew there were -- four people
14 had been killed. And did you know there was a reward out at
15 the time?

16 A. I did at that time, but it didn't matter about the
17 reward.

18 Q. I know.

19 MR. EVANS: Your Honor, may she be allowed to
20 finish her answer before --

21 MR. CARTER: I apologize.

22 MR. EVANS: -- before she is interrupted by his
23 comments.

24 MR. CARTER: I apologize. Would you please
25 finish?

26 A. It was a baby involved. It was a child involved,
27 and she let me see a picture of the child, because I never
28 seen him before.

29 Q. Was a child involved in what?

1 A. In the murders.

2 Q. Okay. One of the victims was a child. Okay. And
3 you said child, you are talking about somebody -- how old was
4 he? Do you know?

5 A. No.

6 Q. Okay. A child to you is anybody who is not adult.
7 That is just the position you are taking on that.

8 A. He was younger than me.

9 Q. How old were you at the time?

10 A. Twenty-one.

11 Q. And now you, you hired Mr. Roy Harris to take you to
12 Tardy to pay your bill; is that right?

13 A. Yes.

14 Q. You got there, and you decided not to pay the bill.

15 A. I told him to go in. He said he wasn't going to go.
16 He would bring me back later.

17 Q. Okay. Let's talk about what you did. So you got
18 there, and you decided that you were not going to go inside
19 and pay your bill; is that correct?

20 A. Yes.

21 Q. And before you got down there, you had been called
22 and told you had to come pay it or else you were going to be
23 sued to get your furniture taken; is that correct?

24 A. I just need to come and pay on my bill.

25 Q. Okay. What exactly -- you were told to come pay
26 your bill, and it was urgent that you pay your bills because
27 you were --

28 A. Late paying.

29 Q. You were late paying. And you needed to pay it; is

1 that correct?

2 A. Yes.

3 Q. Did you ever pay it?

4 A. No.

5 Q. Okay. So you got to Tardy's to pay a bill that was
6 late, that you knew you needed to pay. And you decided once
7 you got there, you weren't going to pay it. And then you told
8 the guy you hired to take you somewhere else; is that correct?

9 A. Yes.

10 Q. Where was he supposed to take you then?

11 A. I went back home at that -- I went back home at the
12 time.

13 Q. Okay. And you saw somebody running that you got a
14 glance of. And you couldn't tell me what he had on his feet.
15 You couldn't tell me what kind of pants he had on. You
16 couldn't tell me what kind of shirt.

17 A. No.

18 Q. And he had the usual haircut. And you saw him down
19 by this big tree running and -- was anything unusual about
20 that?

21 A. I never seen him running.

22 Q. You had never seen him running before.

23 A. No.

24 Q. Okay. And you didn't stop to ask him any questions.
25 You didn't offer any relief or help; is that correct?

26 A. No.

27 Q. Then you turned -- made a left turn or right turn
28 off of Carrollton.

29 A. Went left.

1 Q. And that would be Church; is that correct?

2 A. Yes.

3 Q. And you went down to Church. And you took Powell.

4 Is that what you are telling us?

5 A. Yes.

6 Q. And this person -- by the time you got to Jeff's
7 Store you saw him again running.

8 A. Yes.

9 Q. You were in a car. This person was walking. So he
10 ran fast enough to beat y'all to 51; is that correct?

11 A. I guess. I don't know.

12 Q. You saw him again at 51. Now, Mr. Harris didn't,
13 didn't pull over and talk to anybody, did he?

14 A. No.

15 Q. And he didn't slow down after seeing Mr. Flowers,
16 did he?

17 A. He drive slowly anyway.

18 Q. So he was driving slower than Mr. Flowers was
19 running?

20 A. Yes. He wasn't driving wide open.

21 Q. Okay. And you said the person you saw was Mr.
22 Flowers was running fast.

23 A. Yes.

24 Q. Okay. How many times had you seen him?

25 A. Two times.

26 Q. Okay. And either time did you notice any clothing?
27 Did you notice any weapons?

28 A. No.

29 Q. You didn't notice any evidence of any crime at all,

1 did you?

2 A. No.

3 Q. At what point did you in your mind think that Mr.
4 Flowers might have had something to do with the killings at
5 Tardy's?

6 A. No.

7 Q. You never thought he did.

8 A. No.

9 Q. Okay. And you don't think he did to this day, do
10 you?

11 A. No.

12 Q. Thank you.

13 One moment.

14 Now, prior to going to -- prior to Mr. Johnson coming and
15 talking to you and prior to your talking to Miss Meeks, had
16 you been reading about the murders down at Tardy's Furniture
17 store?

18 A. No.

19 Q. You hadn't read about it. Had you seen anything
20 about it on television?

21 A. Never.

22 Q. Had you seen any reward posters or signs around
23 town?

24 A. No.

25 Q. You didn't know there was a reward out.

26 A. I heard about it.

27 Q. You heard about it. Okay. So you knew. How much
28 did you hear the reward was? What was your understanding of
29 how much it was?

1 A. I don't know. I think \$5,000. I don't know.

2 Q. Okay. Whatever it was, that is what it was. Okay.

3 Now, do you know a Stacey Wright?

4 A. Yes.

5 Q. Do you know Latarsha Blissett?

6 A. Yes.

7 Q. Have y'all ever had a conversation about who you saw
8 running?

9 A. I talked to Tarsha about it.

10 Q. Okay. You ever talked to Stacey Wright?

11 A. No.

12 Q. Is that your cousin?

13 A. Yes.

14 Q. Did you ever deny to either one of those that you
15 had seen Curtis Flowers running back behind Tardy's?

16 A. No.

17 Q. If they came in and said you did, that would be a
18 lie.

19 A. Yes.

20 Q. Now, did you ever have one of those great moment
21 experiences where you decided you were going to go ahead and
22 pay Tardy's for the furniture that you owed, that was owed?
23 Did you ever pay it?

24 A. I tried to get my brother to go pay it and they --
25 he didn't have no way of getting in contact with them. When I
26 talked to them, they told me don't worry about.

27 Q. Who told you don't worry about it? Somebody at
28 Tardy's Furniture told you don't worry about paying it.

29 A. Yes.

1 Q. Why? Just because they are nice people?

2 A. No. They told me don't worry about it. They were
3 just trying to grieve over their family members.

4 Q. How much did you owe them?

5 A. I don't know.

6 Q. Give me a rough estimate.

7 A. I don't know.

8 Q. What was the items that you owed them for? What did
9 you get from there that you didn't pay for? What was it?

10 A. Living room set.

11 Q. Living room set. Did you ever discuss with anyone
12 what you were going to do with this reward once you finally
13 get it?

14 A. No. I never discussed nothing like that.

15 Q. Okay. You never received any money; is that
16 correct?

17 A. No.

18 Q. Do you know anyone named Wanda?

19 A. Yes.

20 Q. You never -- oh, that's Miss Meeks. You talking
21 about somebody other than Miss Meeks. Is Miss Meeks the only
22 one you know?

23 A. Yes.

24 Q. Okay. Now, this Wanda Meeks lady -- and do you
25 still work at Multi-Craft.

26 A. No. It's closed down.

27 Q. It's closed down. Now, have you seen Miss, Miss
28 Meeks since she helped you get with Mr. Johnson?

29 A. I see her on the highway.

1 Q. See her on the highway. Now, this will make your
2 sixth time testifying in this case; is that correct?

3 A. Yes.

4 Q. Did you ever mention that Wanda Meeks facilitated
5 your going to John Johnson before in any, any trial?

6 A. No.

7 Q. Why didn't you?

8 A. They never asked.

9 Q. It was never asked. And now, when you talked to Mr.
10 Johnson was, was Miss Meeks in the room with you?

11 A. No.

12 Q. Now, do you know if Mr. Johnson took a statement
13 from Miss Meeks back then as well?

14 A. No.

15 Q. Now, you are sure that this conversation with Mr.
16 Johnson, statement, statement with Mr. Johnson, that you gave
17 telling him what you saw occurred at Multi-Craft.

18 A. I, I think. Yeah. At Multi-Craft and down at the
19 police station.

20 Q. And you went to the police station. And where is
21 the police station located?

22 A. It's the old police station down on the corner.

23 Q. Down where?

24 A. On the corner.

25 Q. Oh, right down there.

26 A. Yes.

27 Q. Right behind us?

28 A. No.

29 Q. Is it downtown?

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1 A. It is downtown. Emergency 911 building.

2 MR. CARTER: May I approach the witness, Your
3 Honor?

4 THE COURT: You may.

5 Q. Miss Fleming, can you look at this just briefly, or
6 however long you need to look at it, and tell me what it is,
7 if you know.

8 Could you read this line, first line, line for us, first
9 paragraph?

10 A. Today is April 11, 19 --

11 Q. Speak up a little bit. I'm not sure everybody can
12 hear you?

13 A. Today is April 11, 1997.

14 Q. Read the rest. First paragraph.

15 A. The time is 4:21 p.m. The following is --

16 THE COURT: Speak up, Miss Fleming. I don't
17 think anybody can hear you.

18 A. The time is now 4:21 p.m. The following is a
19 volunteer statement from Clemmie Fleming of 905-B Vernon
20 Street, Winona, Mississippi.

21 Q. Does it say where the statement took place at?

22 A. (No response.)

23 Q. Read the rest of it.

24 A. At my house.

25 Q. Hold on a second.

26 A. It said 905-B Vernon. That's at my house.

27 Q. Read right there where it says the location.

28 A. The location in Montgomery County Courthouse.

29 Q. Okay. So did you -- so you gave a statement at

1 Multi-Craft to Mr. Johnson and he recorded it; right?

2 A. Um-hum.

3 Q. You gave a statement to Mr. Johnson at the police
4 department. He recorded that. Is that correct?

5 A. Yes.

6 Q. And you also gave a statement, according to him, at
7 the Montgomery County Courthouse. Is that also correct?

8 A. Yes.

9 Q. So you have given three statements to Mr. Johnson.

10 A. Somebody taped one at the -- at the police station
11 too.

12 Q. Okay. The police station, Montgomery County
13 Courthouse and Multi-Craft. Did you say the same thing in all
14 of them.

15 A. I just -- that one, I didn't do that one.

16 Q. I'm sorry. I didn't understand --

17 A. I didn't say that one about the courthouse. It was
18 so many. We done went to five cases.

19 Q. Okay. Can you tell us why they needed to talk to
20 you so many different times and get so many different
21 statements?

22 A. No.

23 Q. It wasn't your idea. It was the police idea. And
24 you just complied with what they asked you to do.

25 A. Yes.

26 Q. Now, how many of these statements was Miss Meeks at?
27 How many did Miss Meeks attend?

28 A. One.

29 Q. Now, did Mr. Johnson ever mention a reward to you?

1 A. No.

2 Q. Now, in this discussion -- strike that. Are you
3 closer to Latarsha Blissett or your cousin, Stacey Wright?

4 A. Tarsha Blissett.

5 Q. Tarsha Blissett. And y'all used to talk a lot back
6 in them days; right?

7 A. Yes, sir.

8 Q. And y'all used to, I think, get your hair fixed
9 together or go to the beauty shop together; is that correct?

10 A. No.

11 Q. Y'all never did that.

12 A. (Shook head.)

13 Q. Did y'all visit a lot back then --

14 A. Yes.

15 Q. -- with each other? Now, the day that you were out
16 there trying to pay your bills, did you see -- it was around
17 10:00. Did you ever get to know Mr. Sam Jones?

18 A. No.

19 Q. Did you see him that, that morning?

20 A. No.

21 Q. Did you see -- you know Mary Jeanette Fleming?

22 A. Yes.

23 Q. That's your aunt, I believe, isn't it?

24 A. Yes.

25 Q. Did you see her that morning?

26 A. No.

27 Q. Or that day?

28 A. No.

29 Q. And after you decided you weren't going to pay your

1 bill, where did you go?

2 A. Went by sister's house. Then I went home.

3 Q. Okay. And what is your sister's name?

4 A. Mary Fleming.

5 Q. And how long did you stay at her house?

6 A. Not long.

7 Q. Didn't you get in the car with your sister after
8 y'all heard about the murders at Tardy Furniture --

9 A. No.

10 Q. -- and actually try to drive down Tardy's?

11 A. No.

12 Q. Okay. You didn't. Okay. Now, when you went to
13 your sister Mary's house did you tell her that you saw anybody
14 running?

15 A. I told her later on that day.

16 Q. Okay. Now, did you tell the police that you had
17 told your sister you saw somebody running? Did you tell Mr.
18 Johnson that in the three statements you gave him?

19 A. What?

20 Q. I don't want to confuse you. Let me start over.

21 Now, you said you told your sister and you told -- you told
22 Mary Ella that you saw somebody or Curtis Flowers running that
23 day. Is that what you are telling us?

24 A. I told her later on that day.

25 Q. At some point that day you told her. About what
26 time was it? In the afternoon?

27 A. It was in the evening time.

28 Q. In the evening. Okay. Who was at your sister's
29 house when you got there that day?

1 A. My family members.

2 Q. Name them for me.

3 A. Mary Eloise. And Juanice. And her friend BT.

4 (Phonetic.)

5 Q. B --

6 A. BT.

7 Q. BT. Now, didn't the Tardys tell you that if you
8 didn't pay for your furniture at some point, and I'm talking
9 about prior to your going down there that day to pay your
10 bill, prior to those horrible incidents that occurred down at
11 Tardy's. Hadn't you been told that if you didn't pay your
12 bill, the furniture would be repossessed?

13 A. I answered that before.

14 Q. And I apologize. But did you say no, you hadn't
15 been told that?

16 A. Hadn't been told what?

17 Q. I'm sorry. Too much going on. You said you had
18 been told or had not?

19 A. I had been told that if I come down there, that was
20 she was going to come get my furniture? Is that what you are
21 asking?

22 Q. Okay. I think I understood you then. How long had
23 Wanda Meeks and you been working together before y'all talked
24 and she showed you a picture?

25 A. I really don't know. I really don't know.

26 Q. Okay. Now, before Miss Meeks showed you the
27 picture, you did not know that there was a young man.

28 A. I know it was a kid, but I never seen his picture.
29 I never seen his face.

1 Q. Okay. And you had known Miss Meeks for how long
2 before this happened?

3 A. I don't know how long I knowed her.

4 Q. Was she your supervisor?

5 A. No. A employee. Regular employee just like me.

6 Q. Okay. Now, other than Miss Meeks, did you tell
7 anyone else there --

8 A. No.

9 Q. -- that you had seen Mr. Flowers?

10 A. No.

11 Q. Okay. Now, haven't you talked to the district
12 attorney or somebody in his employment recently concerning the
13 role Miss Meeks played in your coming forth and giving a
14 statement to the police?

15 A. Yes.

16 Q. And who exactly did you talk to?

17 A. I talked to John Johnson.

18 Q. Okay. And maybe three weeks ago? Is that about the
19 time?

20 A. I don't remember.

21 Q. Okay. When he talked to you, isn't it a fact that
22 he asked you about Miss Meeks and the role that she played in
23 helping you come forth and to give information?

24 A. He -- she just said she knew a friend that I could
25 talk to.

26 Q. Okay. And I probably confused you. Let me make
27 sure you are not confused, and I'm not confused. My question
28 was -- this what I think my question was. Did you talk to Mr.
29 Johnson or somebody with the D.A.'s office recently, within

1 the last month, regarding Wanda Meeks?

2 A. Yes.

3 Q. Okay. And that person was Mr. Johnson; is that
4 correct?

5 A. Yes.

6 Q. And no one but Mr. Johnson. Is that fair to say?
7 Just Mr. Johnson. Nobody else.

8 A. Nobody.

9 Q. And isn't it fair to say that Mr. Johnson discussed
10 with you Wanda Meeks?

11 A. She's the whole reason I'm here.

12 Q. She is the whole reason you are here.

13 A. Um-hum.

14 Q. And Mr. Johnson wanted you to say that; is that
15 correct?

16 A. No.

17 Q. He wanted to remind you that Miss Meeks facilitated
18 your coming forth and talking to him; is that correct?

19 A. I always told -- I always, you know, through all the
20 cases I always asked him why she wasn't never here, because,
21 you know, she was the reason why I was here. So why she
22 wasn't here?

23 Q. Okay. And you asked him this about a month ago the
24 last time you talked to him; is that correct?

25 A. Yes.

26 Q. You asked him again. And you asked him that every
27 trial. Is that your testimony?

28 A. No. I asked him a couple of times.

29 Q. A couple of times. Despite your concern about that,

1 he, to your knowledge, never involved her; is that correct?
2 He never, to your knowledge, interviewed her. To your
3 knowledge he never -- she never got called as a witness. Is
4 that your understanding?

5 A. I guess. I don't know.

6 Q. And were you made aware that on this particular
7 occasion, the sixth trial, that the D.A.'s office had an
8 interest in getting her involved this particular time? Was
9 that made known to you in some way?

10 A. A little bit.

11 Q. Little bit. So it's your understanding at this
12 point, that this particular time she will be coming forth as a
13 witness.

14 A. I -- yes.

15 Q. And it's your understanding that she is coming forth
16 this time to -- what is she coming forth for this time? Do
17 you know?

18 MR. EVANS: Your Honor, that's my call, not
19 this witness's call.

20 MR. CARTER: I just want to know what she
21 knows, Your Honor, not what Mr. Evans --

22 THE COURT: I think it would be totally
23 speculative as to this witness's knowledge of why
24 somebody else might be called. So I will sustain the
25 objection.

26 MR. CARTER: Yes, sir.

27 Q. Now, all of those statements that you gave to Mr.
28 Johnson, did they all happen on the same day?

29 A. No.

1 Q. Different days. And I know it's been a long time.
2 And I'm not trying to tie you down. But if you can, how much
3 distance, how much time between the statements, lapsed between
4 the time you gave the different statements?

5 A. I don't really know.

6 Q. Okay. Okay. Now, let me ask you this. You
7 remember going to Tupelo and testifying.

8 A. Yes.

9 Q. Now, at the time you went to Tupelo, you had already
10 talked to Mr. Johnson those three times; is that correct?

11 A. Yes.

12 Q. Okay. As a matter of fact, the first time that you
13 talked to Mr. Johnson, Miss Meeks was, in fact, if not
14 present, nearby. Is that fair to say?

15 A. Yes.

16 Q. Was she in the same room with you or next --

17 A. No.

18 Q. -- next door?

19 A. I don't know where she was at.

20 Q. Okay. Now, isn't it a fact that Miss Meeks had not
21 been working at Multi-Craft for a long period of time before
22 she facilitated your talking to Mr. Johnson? She hadn't been
23 there several years working with you before then.

24 A. No.

25 Q. Okay. And one other question. Did you start
26 working there first, or did Miss Meeks start working there
27 first?

28 A. She was there first.

29 Q. She was there first. Now, did you go to Miss Meeks

IN THE SUPREME COURT OF MISSISSIPPI

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EXHIBIT

ELECTRONIC DISK

Case #2010-DP-01348-SCT

COURT APPEALED FROM : Circuit Court

COUNTY : Montgomery

TRIAL JUDGE : Joseph H. Loper Jr.

Curtis Giovanni Flowers v. State of Mississippi

Kathy Gillis, Clerk

TRIAL COURT # : 2003-0071-CR

1 during this conversation you had with her, or did she come to
2 you?

3 A. We were just sitting there talking, and we were
4 talking about it. And it went from there.

5 Q. Okay. Now, the facts are that you were talking to
6 somebody else other than Miss Meeks; is that correct, and Miss
7 Meeks might have overheard what you were talking about; isn't
8 that correct?

9 A. No.

10 Q. It's not. So you were not talking to other people
11 and Miss Meeks overheard the conversation. You were talking
12 directly to Miss Meeks when it was decided that you would come
13 to Mr. Johnson; is that correct?

14 A. Yes.

15 Q. And to your knowledge --

16 One moment, Your Honor.

17 One final question, Miss Fleming. Miss Fleming, I hate
18 to keep asking you questions. I am just trying to make a -- I
19 just want to be clear. I want the jury to be clear. Do you
20 know if you talked to any police officers concerning this case
21 before you talked to Mr. Johnson?

22 A. No.

23 Q. Okay. Now, are you sure the street that you saw or
24 allegedly saw Mr. Flowers on was Carrollton and not Church?

25 A. Yes.

26 MR. CARTER: One moment.

27 Thank you very much, Miss Fleming. I'm finished.

28 REDIRECT EXAMINATION BY MR. EVANS:

29 Q. Miss Fleming, did you allegedly see Curtis Flowers,

1 or did you see Curtis Flowers?

2 A. I seen Curtis Flowers.

3 Q. Any doubt about who you saw running from the back of
4 Tardy Furniture on the morning of the murders?

5 A. No, sir.

6 Q. Now, you've stated that you didn't want to get
7 involved in this? What, what got you involved in this case?

8 A. Like I said, it was a baby involved.

9 THE COURT: Speak up.

10 THE WITNESS: It was child involved.

11 Q. And that made you come forward.

12 A. Yes, sir.

13 Q. Now, opposing counsel has asked you about some
14 family members. Have your family members tried to get you to
15 do anything in relationship to this case?

16 MR. CARTER: Your Honor, I object to that. I
17 didn't make any kind of inference that, that her family
18 tried to --

19 MR. EVANS: He talked about conversations
20 between them, and I think --

21 MR. CARTER: Judge, can I --

22 MR. EVANS: -- I can go into them.

23 MR. CARTER: Your Honor, I didn't make any
24 remark whatsoever about her family members trying to
25 influence her in any kind of way.

26 MR. EVANS: He talked about conversations
27 between them, and he brought it up, Your Honor. So I
28 think I am entitled to go into what the conversations
29 were about.

1 THE COURT: I think it is proper redirect,
2 because discussions with her family members was certainly
3 something that was cross-examined about.

4 Q. You may answer.

5 A. My sister told me don't get involved in it, to leave
6 it alone.

7 Q. Which sister was that?

8 A. Mary Fleming.

9 Q. She tried to talk you out of testifying?

10 A. Yes.

11 Q. You were also asked about reward money. Did you
12 ever receive a penny of reward money in this case?

13 A. No, sir. Never.

14 Q. You were also asked about the statements you gave
15 John Johnson. What time did you tell John Johnson that you
16 went to Tardy Furniture that morning?

17 A. At 10:00.

18 Q. Speak up.

19 A. 10:00.

20 Q. Who did you tell him you saw running away from Tardy
21 Furniture that morning?

22 A. Curtis Flowers.

23 MR. EVANS: That's all I have, Your Honor.

24 THE COURT: Does she need to stay around, or is
25 she excused?

26 MR. EVANS: As far the State is concerned, she
27 may be excused, Your Honor.

28 MR. CARTER: I can't really think of a reason
29 why we need her either, Your Honor.